

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL WILLIAM JENSEN,

Plaintiff,

vs.

M. E. KNOWLES, et al.,

Defendants.

Case No. 2:02-cv-02373 JKS P

ORDER

Plaintiff, a state prisoner proceeding pro se, commenced this civil rights action pursuant to 42 U.S.C. § 1983 on October 29, 2002. Docket No. 1. On January 29, 2009, Defendants filed a notice of Plaintiff's death. Docket No. 108. As more than 90 days have elapsed since the filing of the notice and no successor or representative has filed for substitution, this case will be dismissed. *See* Fed. R. Civ. P. 25(a). However, because the notice of death was never served on Plaintiff's successor or representative¹ the Court dismisses the action without prejudice.

IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

Dated this the 13th day of May 2009.

/s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge

¹ Defendants represent that there are no known successors.